

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARIO ANDREOLI,

Plaintiff,

v.

ST. GABRIEL SCHOOL, LLC,
PHILADELPHIA INDEPENDENT
MISSION SCHOOLS D/B/A
INDEPENDENCE MISSION SCHOOLS, and
ARCHDIOCESE OF PHILADELPHIA,

Defendants.

CIVIL ACTION

NO. 2:14-cv-01713-TJS

**STIPULATION FOR COURT APPROVAL
OF PROPOSED SETTLEMENT AND DISMISSAL WITH PREJUDICE**

It is hereby stipulated and agreed among all parties, and approved by the Court, as follows:

1. On February 19, 2014, Plaintiff filed a Complaint against Defendants in the Court of Common Pleas of Philadelphia County, Pennsylvania, where it was captioned Andreoli v. St. Gabriel School, LLC, et al., February Term, 2014, No. 001843 (the "Lawsuit");
2. On March 21, 2014, Defendant Archdiocese of Philadelphia removed the Lawsuit to this Court, where it is captioned Andreoli v. St. Gabriel School, LLC, et al., No. 2:14-cv-01713-TJS;
3. On March 31, 2014, the parties executed a Stipulation to Substitute Defendant, Archdiocese of Philadelphia with Defendant, St. Gabriel's Parish.
4. At Count I of his Complaint, Plaintiff asserted a claim of wrongful discharge against Defendants Philadelphia Independent Mission Schools d/b/a Independence Mission Schools and St. Gabriel School, LLC;

5. At Counts II and III of his Complaint, Plaintiff asserted claims under the Fair Labor Standards Act, the Pennsylvania Minimum Wage Act, and the Pennsylvania Wage Payment and Collection Law, alleging that Defendants failed to fully compensate him for certain overtime hours allegedly worked during the course of his employment with Defendants;

6. Defendants deny any and all allegations made against them in the Lawsuit, deny Plaintiff's allegations that he worked overtime during his employment with Defendants, and further deny any liability to Plaintiff;

7. The parties agree that there exists a *bona fide* factual dispute among the parties regarding, among other things, the number of overtime hours, if any, worked by Plaintiff during his employment with Defendants and whether Plaintiff is entitled to any compensation with respect to any such hours; and

8. The parties have reached an agreement on a full, final, and complete resolution of their dispute, which all parties agree is fair and reasonable;

9. The terms of the parties' proposed settlement are memorialized in a Settlement Agreement and General Release ("Settlement Agreement"), which was executed by the Parties on May 15, 2014 and which by its terms will become effective upon approval by the Court;

10. A copy of the Settlement Agreement has been presented to the Court for review and approval with respect to the Fair Labor Standards Act claims and related issues;

11. The parties submit, and upon review and consideration of the proposed settlement as set forth in the Settlement Agreement, the Court finds, that the proposed settlement constitutes a fair and reasonable resolution of a *bona fide* dispute among the parties with respect to Plaintiff's claims for overtime compensation under Fair Labor Standards Act, the

Pennsylvania Minimum Wage Act, and the Pennsylvania Wage Payment and Collection Law;

12. Accordingly, the parties' proposed settlement, as set forth in the Settlement Agreement, is APPROVED by the Court; and

13. By agreement of all parties, and pursuant to Federal Rule of Civil

Procedure 41 and Local Rule of Civil Procedure 41.1(b), Plaintiff's Complaint is DISMISSED.

WITH PREJUDICE.

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BY THE COURT:

HON. TIMOTHY J. SAVAGE
UNITED STATES DISTRICT JUDGE

, 2014